

E. Burden of Proof

The person filing the appeal has the responsibility of convincing the hearing body that the subject decision was incorrect.

F. Action on an Appeal

The public body hearing an appeal shall either:

1. Affirm the decision under review;
2. Reverse the decision under review;
3. Modify in whole or part the decision under review; or
4. Remand the matter back to the approving authority for further consideration.

Such action shall be decided by a majority vote of the members present. That vote may be taken at the same or any subsequent meeting.

G. Judicial Review

The decision of the City Council shall be final unless an appeal is filed with the Kitsap County Superior Court within thirty (30) days of the decision. The filing of an appeal within such time shall stay the effective date of the City Council decision until such time as the appeal shall have been adjudicated or withdrawn.

Section 10: ZONING ORDINANCE SPECIAL EXCEPTIONS

A. Introduction

This section establishes a process for permitting relief from Zoning Ordinance requirements that may be inappropriate in specific unique situations or that may cause undue inconvenience or irritation to the owners or occupants of affected properties, but that are not so severe that they would warrant a Variance on the basis of hardship.

B. Limitations to Zoning Ordinance Special Exceptions

A Zoning Ordinance Special Exception may be granted to any provision of the Zoning Ordinance except: